

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT
DECISION NO. 6466 AS A PRECEDENT
DECISION PURSUANT TO SECTION
409 OF THE UNEMPLOYMENT
INSURANCE CODE.

In the Matter of:

VICTOR RODARTE
(Claimant)

PRECEDENT
BENEFIT DECISION
No. P-B-286

FORMERLY BENEFIT DECISION No. 6466
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S.S.A. No.

CONSOLIDATED WESTERN STEEL
(Employer)

Referee's Decision
No. LA-9960

STATEMENT OF FACTS

Effective February 13, 1955, the claimant registered for work with the East Los Angeles Office of the Department of Employment and filed a claim for unemployment insurance benefits. On March 9, 1955, the department determined that the claimant had left the employer's employ with good cause under the provisions of section 1256 of the Unemployment Insurance Code and issued an unfavorable ruling to the employer under section 1030 of the code. The employer appealed the unfavorable ruling; and on April 5, 1955 a hearing was held. The board set aside the decision of the referee and removed the matter to itself under section 1336 of the code.

Claimant was classified as a welder, second class, at a termination rate of \$2.015 per hour and was last employed by the employer from September 15, 1950 to January 27, 1955, at which time his employment was terminated.

In accordance with the terms of a collective bargaining agreement between the employer and the union of

which the claimant was a member, it was provided that, in the event of a reduction in force, an employee affected by the reduction could elect to remain at work in a specified lower classification by displacing an employee with less seniority. The employee who elected such reclassification retained seniority and would be returned to the higher classification when the volume of work permitted. In the period prior to January 27, 1955, the business of the employer had decreased; and it became necessary to put in effect a general reduction in force, which during the year involved between four hundred and five hundred employees. On or about January 27, 1955 as a result of such reduction in force, the claimant was offered work by the employer as a general helper in an unskilled laborer's classification at a rate of \$1.745 per hour. The claimant refused to accept such demotion and reduction in pay and accepted a layoff. The employer recalled the claimant to work in his regular classification on March 23, 1955.

REASONS FOR DECISION

In considering the "good cause" provision of section 58(a)(1) of the act (now section 1256 of the code), we have stated that "good cause" means:

" . . . a real, substantial, and compelling reason for leaving employment of such nature as would cause a reasonable person genuinely desirous of retaining employment to take similar action. . . ." (Benefit Decisions Nos. 5686, 5906, and 5978)

We have also held that, on a transfer to another job, if the offered work is wholly unrelated to the work last performed by the employee and is also wholly unrelated to any work within the employee's prior training, experience, or qualifications, then the employee has good cause for refusing to accept the work (Benefit Decision No. 5906).

In the present case, while it is not established by the record that the offered work was beyond the claimant's prior training, experience, or qualifications, nevertheless it was an unskilled classification and unrelated to the skilled classification of the claimant's

primary occupation. In addition, the transfer involved a reduction in pay of approximately 13%. We believe that a substantial reduction in wages together with the transfer from skilled to unskilled labor constituted "good cause" for the claimant's work refusal.

DECISION

The determination and ruling of the department are affirmed. Benefits are payable if the claimant is otherwise eligible. Any benefits paid to the claimant which are based upon wages earned from the employer prior to January 27, 1955 shall be chargeable under section 1032 of the code to Employer Account No. 081-8306, Unit 58.

Sacramento, California, March 23, 1956.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

MICHAEL B. KUNZ, Chairman

GLENN V. WALLS

ARNOLD L. MORSE

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 6466 is hereby designated as Precedent Decision No. P-B-286.

Sacramento, California, April 6, 1976.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT